

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (NO. VI)

Civil Action No. MDL 875

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This Document Relates to:

James Larry Capell and  
Patricia J. Capell, wife,

Plaintiffs,  
vs.

District of South Carolina

Civil Action No. 8:09-2311

A. W. Chesterton Company  
Agrium U.S., Inc. (*d/b/a and as successor in interest to  
Royster-Clark, Inc.*)  
Alfa Laval, Inc.  
Aurora Pump  
Blackmer Pump  
Borg-Warner Morse TEC, Inc.;  
Buffalo Pumps, Inc. (*individually and as a subsidiary of  
AMPCO-Pittsburgh Corp.*)  
Carrier Corporation  
CertainTeed Corporation;  
Cleaver-Brooks, Inc., *a Division of Aqua-Chem, Inc.*;  
Courter & Company, Inc.  
Crane Co. (The) (*Individually and as successor to  
Cochrane and Chapman Valve Co.*)  
Curtis-Wright Flow Control Corporation (*Individually and  
as Successor to Farris Valves and/or Sprague Pumps*)  
Dover Pump Solutions Group (*d/b/a and as successor in  
Interest to Blackmer Pump*)  
Eaton Corporation (*Individually and now known as Eaton  
Electrical, Inc. and as Successor The Vickers Pump  
Company and Cutler-Hammer, Inc.*)  
Flowserve US Inc. (*Solely as successor to Edward Valves,  
Inc.; Vogt Valve Company; and Nordstrom Valves, Inc.*)  
FST Engineers, Inc. (*f/k/a Fay Spofford & Thorndike of  
New York, f/k/a and successor in interest to Wolff &  
Munier, Inc.*)  
Fulton Thermal Corporation  
Gardner Denver, Inc.  
Georgia Pacific Corporation;  
Goulds Pumps, Inc.  
Goulds Pumps (IPG), Inc.  
IMO Industries, Inc. (*f/k/a IMO Delaval, Inc., Individually  
and as Successor to Turbine Equipment Company*)  
Invensys Controls, a division of Invensys Systems,  
(*Individually and as Successor to Robertshaw and Fulton*

**COMPLAINT**

*Sylphon)* :  
 ITT Corporation, (*f/k/a and as successor in interest to* :  
*Goulds Pumps, Inc.)* :  
 Met-Pro Corporation :  
 Munaco Packing & Rubber :  
 National Service Industries, Inc.; :  
 Parker Hannifin Corporation, *Individually and as* :  
*Successor by Merger to Stratoflex, Inc. (Cleveland Brake* :  
*Division)* :  
 Patterson Pump Company, (*a Subsidiary of the Gorman-* :  
*Rupp Company and Individually and as successor to C. H.* :  
*Wheeler Manufacturing And Griscom Russell)* :  
 Rapid-American Corporation (*successor by merger to* :  
*Glen Alden Corporation, Briggs Manufacturing* :  
*Company, Philip Carey Corporation and Philip Carey* :  
*Manufacturing Company);* :  
 Tyco International (US) Inc. (*Individually and as* :  
*Successor to Hancock Valves, Lonergan Valves, Keystone,* :  
*Yarway Corporation and Kunkle Valves)* :  
 Union Carbide Corporation; :  
 Velan Valve Corporation :  
 Viacom, Inc. (*successor by merger to CBS Corporation* :  
*f/k/a Westinghouse Electric* :  
 Viking Pump, Inc., a Unit of IDEX Corporation :  
 Warren Pumps, Inc. (*Individually and as Successor to* :  
*The Quimby Pump Company)* :  
 Weil-McLain, (*a division of Marley-Wylain Company)* :  
 Yarway Corporation :  
 Zurn Industries, LLC :

#### Defendants

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Plaintiffs hereby adopt and incorporate Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in the United States District Court for the Eastern District of Pennsylvania, filed as Miscellaneous No. 86-0457. Pursuant to the August 20, 1986, Order of Honorable Charles R. Weiner, the following short-form Complaint is utilized in this asbestos action:

1. James Larry Capell, The Injured Plaintiff (“plaintiff-worker”) and Patricia J. Capell, (“plaintiff-spouse”). Plaintiff ‘s Address, Social Security Number, and Date of Birth information is available upon request.

2. The Court has jurisdiction of this matter pursuant to the Multidistrict Litigation Order dated July 29, 1991, Civil Action No. MDL 875. Moreover, the Plaintiffs are citizens of the State of North Carolina and no defendant is a citizen or has a principal place of business in the State of North Carolina. Further, the amount in controversy, exclusive of interest and costs, exceeds \$100,000.00.

3. The Defendants are those companies listed in the caption.

4. Plaintiffs hereby incorporate by reference the following counts from the Master Long-Form Complaint: Counts I, II, III, IV and V.

5. Plaintiff-worker's asbestos employment history, including, to the extent possible at this time, the asbestos products to which plaintiff-worker was exposed is attached hereto as Schedule I.

6. Plaintiff-worker was diagnosed with Lung Cancer by Ravi Chandran, M. D. on September 27, 2007.

7. Plaintiffs certify that they have not been a party to any related third-party asbestos litigation.

8. Plaintiffs hereby demand a trial by jury on all issues of fact.

Respectfully submitted,

WALLACE AND GRAHAM, P.A.

s/Mona Lisa Wallace  
N.C. Bar No.: 9021  
Attorney for Plaintiff  
WALLACE & GRAHAM, P.A.  
525 North Main Street  
Salisbury, North Carolina 28144  
Tel. No. (704) 633-5244  
Fax: (704) 633-9434  
E-Mail: mwallace@wallacegraham.com

Date: 9/1/09

JAMES LARRY CAPELL  
SCHEDULE I  
Plaintiff-Worker Employment History  
Asbestos Exposure Worksite Information

OCCUPATION:

Power House Mechanic, Pipe Fitter, Plumber  
Pipe Fitter  
Meter Reader  
Cloth Handler, Maintenance

EMPLOYER/WORKSITE:

APPROXIMATE DATES:

|  |             |
|--|-------------|
| Duke Energy – Belews Creek; Marshall; McGuire; Oconee                                    | 1970 – 1988 |
| Daniel Construction @ Michelin Tire; Kimberly Clark; Carrier<br>Air Conditioner Plant-TN | 1962 – 1969 |
| Dept. of Public Works – Greenwood, SC  | 1958 – 1961 |
| Greenwood Mills, Inc. – Greenwood, SC  | 1953 - 1957 |

RELATED ASBESTOS LITIGATION:

Worker's Compensation Claim – Duke Energy - Pending

SMOKING HISTORY:

1 ppd. 1953 - Present

PRODUCTS CONTAINING ASBESTOS:

Raw Asbestos Fiber, Pipe Covering, Block, Cements, Gaskets, Refractory Materials, Boilers, Joint Compounds, Wall Board, and other asbestos containing materials.

DEPENDENTS:

Patricia J. Capell, wife

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DEFENDANTS LIST**

A. W. Chesterton Company  
PO Box 4004  
Woburn, MA 01888-4004

Agrium U.S. Inc.  
CT Corporation System  
150 Fayetteville Street Mall #1011  
Raleigh, NC 27601-1395

ALFA LAVAL, INC.  
Corporate Trust Systems  
111 8<sup>th</sup> Avenue 13<sup>th</sup> Floor  
New York, NY 12207

Aurora Pump  
c/o Lynette Jones  
13515 Ballantyne Corporate Place  
Charlotte, NC 28277

Buffalo Pumps, Inc.  
600 Grant Street, Suite 4600  
Pittsburgh, PA 15219

Carrier Corporation  
Corporate Trust Systems  
111 8<sup>th</sup> Avenue 13<sup>th</sup> Floor  
New York, NY 12207

CertainTeed Corporation  
CT Corporation System  
150 Fayetteville Street Mall #1011  
Raleigh, NC 27601-1395

Cleaver-Brooks, Inc., a Division of Aqua-Chem,  
11950 W Lake Park Drive  
Milwaukee, WI 53224

Courter & Company, Inc.  
John L. Courter  
5519 Export Boulevard  
Garden City, GA 31408

Crane Company (The)  
100 West Stamford Place  
Stamford, CT 06902

Curtiss-Wright Flow Control Corporation  
2941 Fairview Park Dr., Ste. 850  
Falls Church, VA 22042

Dover Pump Solutions Group  
1460 Ford Street, Ste. 205  
Redland, CA 92373

Eaton Corporation  
Corporate Trust Systems  
111 8<sup>th</sup> Ave., 13<sup>th</sup> Floor  
New York, NY 10011

Flowserve US, Inc.  
CT Corporation System  
150 Fayetteville Street #1011  
Raleigh, NC 27601-1395

FST Engineers, Inc.  
Fay Spofford & Thorndike, Inc.  
5 Burlington Woods  
Burlington, MA 01803

Fulton Thermal  
3981 Port Street  
Pulaski, NY 13142-4614

Gardner Denver  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Georgia Pacific Corporation  
CT Corporation  
225 Hillsborough Street  
Raleigh, NC 27603

Goulds Pumps, Inc.  
240 Fall Street  
Seneca, NY 13148

Goulds Pumps (IPG), Inc.  
CT Corporation System  
150 Fayetteville Street Mall #1011  
Raleigh, NC 27601-1395

IMO Industries, Inc.  
Corporation Service Center  
327 Hillsborough Street  
Raleigh, NC 27603

Invensys Control  
Registered Agent Solutions  
175 Mine Lake Ct., Ste. 100  
Raleigh, NC 27615

ITT Corporation  
CT Corporation System  
150 Fayetteville Street Mall #1011  
Raleigh, NC 27601-1395

Met-Pro Corporation  
PO Box 144  
Harleysville, PA 19438

Munaco Packing & Rubber  
5 Ketron Court, Route 23  
Greenville, SC 29607

National Service Industries, Inc.  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Parker Hannifin Corporation  
CT Corporation System  
150 Fayetteville Street #1011  
Raleigh, NC 27601-1395

Patterson Pump Company  
c/o Allan R. Ramsay  
38 Falls Road  
Toccoa, GA 30577

Rapid-American Corporation  
Corporation Service Company  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808-1645

Tyco International (US)  
CT Corporation System  
111 8<sup>th</sup> Avenue 13<sup>th</sup> Floor  
New York, NY 12207

Union Carbide Corporation  
CT Corporation System  
150 Fayetteville Street #1011  
Raleigh, NC 27601-1395

Velan Valve Corporation  
94 Avenue C  
Williston, VT 05495-9732

Viacom, Inc.  
Corporation Service Company  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808-1645

Viking Pump, Inc., a Unit of IDEX Corp.  
406 State Street  
PO Box 8  
Cedar Falls, IA 50613-0008

Warren Pumps, Inc.  
82 Bridges Avenue  
PO Box 969  
Warren, MA 01083-0969

Weil-McLain  
The Marley-Wylain Company  
CT Corporation System  
150 Fayetteville Street Mall #1011  
Raleigh, NC 27601-1395

Yarway Corporation  
CT Corporation System  
150 Fayetteville Street #1011  
Raleigh, NC 27601-1395

Zurn Industries, LLC  
CT Corporation System  
150 Fayetteville Street #1011  
Raleigh, NC 27601-1395